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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY ____ DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BLACKWATER LODGE AND TRAINING CENTER, INC., a Delaware corporation dba BLACKWATER WORLDWIDE, Plaintiff, v. KELLY BROUGHTON, in his capacity as Director of the Development Services Department of the City of San Diego; AFSANEH AHMADI, in her capacity as Chief Building Official of the City of San Diego; THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF SAN DIEGO; THE CITY OF SAN DIEGO, a municipal entity; and DOES 1-20, inclusive, Defendants.	Case No. 08 CV 0926 H WMc **APPENDIX OF SELECTED PROVISIONS OF THE SAN DIEGO MUNICIPAL CODE** Date: TBD Time: TBD Location: Courtroom of the Honorable Marilyn L. Huff [*Ex Parte* Application For Temporary Restraining Order and Order To Show Cause Re: Preliminary Injunction and Memorandum Of Points and Authorities In Support Thereof, Declarations of John Nadolenco and Brian Bonfiglio Filed and Proposed Orders Lodged Concurrently Herewith]

CR

Article 3: Firearms — Dangerous Weapons — Explosives — Hazardous Trades

("Firearms — Dangerous Weapons — Explosives — Hazardous Trades" incorp. 1–22–1952 by O–5046 N.S.)

§53.01 Blasting — Permit Required

It shall be unlawful for any person or persons, firm or corporation to do any blasting within the corporate limits of the City of San Diego without first having obtained, from the Fire Chief of The City of San Diego, a permit, which is required under California Health and Safety Code, Section 12101. The Fire Chief of The City of San Diego is hereby designated the issuing authority in conformance with California Health and Safety Code, Section 12007.
("Blasting— Permit Required" amended 2–22–1972 by O–10787 N.S.)

§53.01.1 Blasting — Application For License — Insurance Required

Any applicant to the San Diego Fire Department for a permit for the use of explosives within the limits of the City of San Diego for blasting, as provided above, shall, before such permit is issued, have a policy of insurance approved by the City Attorney, executed and delivered by a reliable insurance company authorized to carry on an insurance business in the State of California, by the terms of which said insurance company assumes responsibility for injuries to persons and property resulting by reason of the use of such explosives by applicant in the following amounts; to wit,

Bodily Injury $250,000 — Per person

$500,000 — Per occurrence Property Damage

$250,000 — Per occurrence.
(Amended 2–22–1972 by O–10787 N.S.)

§53.10 Firearms, Etc. — Firing Prohibited — Exceptions

(a) Purpose and Intent. It is the purpose and intent of the Council of The City of San Diego that the firing of firearms and other explosives within the city limits be strictly regulated for the protection of all persons and property located in the City.

(b) Definitions. For the purposes of this section:

(1) Firearm shall mean any weapon from which a missile, such as, but not limited to, a bullet, ball, or shell, is hurled by an explosive.

(2) Fire shall mean to explode, discharge, or impel by using heat, percussion or electric spark.

(3) The term explosive is defined as it is in Section 53.05 of this Article.

(c) Prohibition. No person shall fire any firearm or explode any explosive within The City of San Diego.

(d) Exceptions. This section does not apply to firearms fired under the authority of the United States or the State of California, nor to shooting galleries or target ranges; nor where a permit has been issued or a firing area designated by the City Council pursuant to Subsections (e) and (f) hereof.

(e) Permits. The City Council, by resolution, may issue written permits to fire firearms upon such terms and under such conditions as it deems proper. The terms and conditions imposed by the Council shall be set forth on the face of any permit issued under this subsection.

(f) The City Council, by resolution, may designate certain areas within the City in which it shall be lawful to fire firearms upon such terms and under such conditions as the Council deems proper.

(Amended 10–8–1964 by O–9092 N.S.)

§53.15 Air Guns, Sling Shots, Pointed Missiles, Etc. — Discharge, Propelling Prohibited

That it shall be unlawful for any person to discharge any air gun, or sling shot, or bean shooter, or throw, hurl, heave or propel any sharp pointed missile, or dart, or arrow upon any public street or sidewalk or public gathering place within the corporate limits of The City of San Diego.

("Air Guns, Sling Shots, Pointed Missiles, Etc. — Discharge, Propelling Prohibited" incorp. 1–22–1952 by O–5046 N.S., contained in O–61 N.S., adopted 10–24–1932.)

Article 2: Required Steps in Processing

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: Applications

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§112.0101 Preapplication Conference

Before submitting an application for a permit, map, or other matter, a prospective *applicant* may request a preapplication conference to discuss the proposed *development* with City staff. The person requesting the preapplication conference may be required to pay a fee that has been established by City Council resolution. Based upon the information provided by the *applicant* at the preapplication conference, the City shall inform the *applicant* of the general policies and regulations in effect at the time of the conference. The City may examine possible alternatives or modifications relating to the proposed permit, map, or other matter.

The *applicant* is responsible for knowing and understanding the governing policies and regulations applicable to the proposed *development*, and the City is not liable for any damages or loss resulting from any actual or alleged failure to inform the *applicant* of any laws or regulations that may be applicable to a *development*. Nothing stated in this meeting shall be construed as actual or implied approval of a proposed *development*.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§112.0102 Application Process

An application for a permit, map, or other matter shall be filed with the City Manager in accordance with the following requirements:

(a) Authority to File an Application. The following persons are deemed to have the authority to file an application:

(1) The *record owner* of the real property that is the subject of the permit, map, or other matter;

(2) The property owner's authorized agent; or

(3) Any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application.

(4) Any person who has an approved and executed Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego

(b) Submittal Requirements. The application shall be made on a form provided by the City Manager and shall be accompanied by the materials, information, fees, and deposits that are required on the date the application is filed, unless otherwise specified by the Land Development Code. The application shall be *deemed complete* when the department processing the application has determined that the application includes all of the information, materials, fees, and deposits required by this section and Section 112.0202. After the application has been *deemed complete*, the City Manager may not request any new or additional materials, information, fees, or deposits that were not specified at the time of application, except as provided by state law. The City may, however, in the course of processing the application, request that the *applicant* clarify, simplify, or provide in alternate format or medium, the information required for the application.

(c) Materials and Information. The City Manager shall maintain a list specifying the materials and information to be submitted with each application for a permit, map, or other matter filed in accordance with the Land Development Code. The list may be revised on a quarterly basis or as needed to comply with revisions to local, state, or federal law, regulation, or policy. The revised list shall be posted at the City, shall become effective on the 30th calendar day after posting, and shall apply to all applications submitted after that date. The City Manager shall provide a copy of the list to all *applicants* and to any person who requests a copy.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 2-28-2005 by O-19360 N.S.)

§112.0103 Consolidation of Processing

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105.
(Added 12-9-1997 by O-18451 N.S.; amended 10-19-1999 by O-18691 N.S.; effective 1-1-2000.)

Article 2: Required Steps in Processing

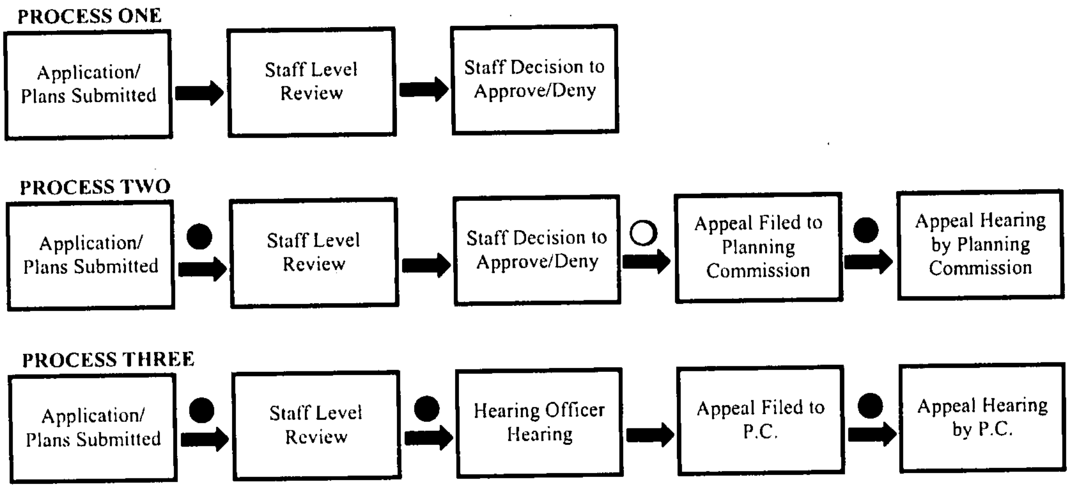
Division 5: Decision Process

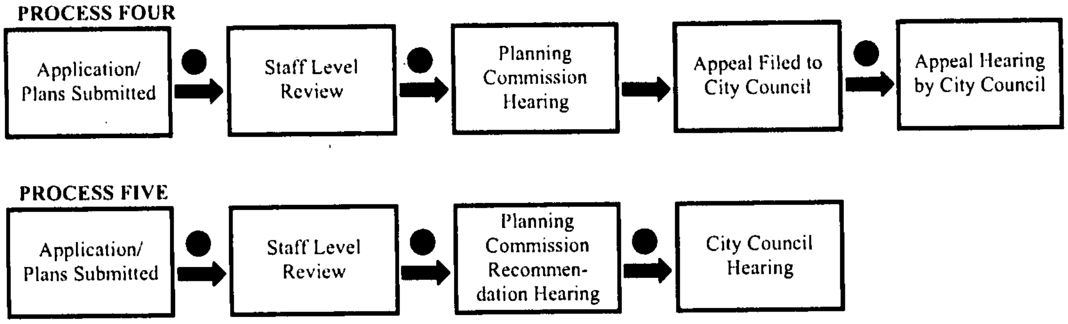
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 112.0501 Overview of Decision Process

Applications for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on Diagram 112-05A. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego's processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-05A
Decision Processes with Notices


PROCESS ONE
Application/ Plans Submitted
Staff Level Review
Staff Decision to Approve/Deny
PROCESS TWO
Application/ Plans Submitted
Staff Level Review
Staff Decision to Approve/Deny
Appeal Filed to Planning Commission
Appeal Hearing by Planning Commission
PROCESS THREE
Application/ Plans Submitted
Staff Level Review
Hearing Officer Hearing
Appeal Filed to P.C.
Appeal Hearing by P.C.


PROCESS FOUR
Application/ Plans Submitted
Staff Level Review
Planning Commission Hearing
Appeal Filed to City Council
Appeal Hearing by City Council
PROCESS FIVE
Application/ Plans Submitted
Staff Level Review
Planning Commission Recommendation Hearing
City Council Hearing

Key

● Public Notice to Property Owners and Tenants within 300 Feet and to Community Planning Groups

○ "Limited" Notice to Applicant and Anyone Requesting Notice

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000; amended 6-19-2000 by O-18814 N.S.)
(Amended 11-28-2005 by O-19444; effective 2-9-2006.)

§112.0502 Process One

An application for a permit, map, or other matter acted upon in accordance with Process One may be approved or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§112.0503 Process Two

An application for a permit or other matter acted upon in accordance with Process Two may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request in accordance with Section 112.0504. A Process Two decision shall be made in the following manner.

(a) Notice. The designated staff person shall mail a Notice of Future Decision to the persons identified in Section 112.0302(b). Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person. The request must be received no later than 10 *business days* after the date on which the Notice of Future Decision is mailed.

(b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

Article 3: Land Development Terms

(Added 12-9-1997 by O-18451 N.S.)

Division 1: Definitions

("Definitions" added 12-9-1997 by O-18451 N.S.)
(Amended 4-8-2008 by O-19734 N.S.)

§113.0101 Purpose of Definitions

The purpose of this division is to provide clear and concise definitions of words and phrases that have meanings specifically related to the Land Development Code and to apply these terms in a consistent way throughout the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§113.0102 Identification of Definitions

Each word or phrase that is defined in this division appears in the text of the Land Development Code in italicized letters.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§113.0103 Definitions

Abutting property means a *lot* or parcel of land that shares all or part of a common *lot* line with another *lot* or parcel of land.

Accessory building means an *accessory structure* which is also a "building" as defined in the California Building Code.

Accessory structure means a *structure* attached to or detached from a primary *structure* located on the same *premises* that is customarily incidental and subordinate to the primary *structure* or use. The term *accessory structure* includes accessory buildings.

Accessory use means a use of land or building, or portion thereof, that is customarily incidental to, related to, and clearly subordinate to a *primary use* of the land or building located on the same *premises*.

Advertising display sign means a *sign* where the *sign copy* does not pertain to the use of the property, a product sold, or the sale or lease of the property on which the *sign* is displayed and which does not identify the place of business as purveyor of the merchandise or services advertised on the *sign*. Such *signs* include vehicle-mounted *signs and billboards*.

Affiliate means business entities, organizations, or individuals who either directly or indirectly (1) control one another or have the power to control one another or (2) are controlled by a third party or are subject to control by a third party. *Affiliates* include chief executive officers and members of boards of directors or their equivalents.

Affordable housing cost shall mean (1) for ownership housing, a housing payment which includes loan principal, loan interest, property taxes, property and mortgage insurance, and homeowners association dues which allows a household with a gross income at not more than one hundred percent (100%) of the area median income to purchase a home and (2) for rental or cooperative housing, a housing payment including a reasonable allowance for utilities, which does not exceed thirty percent (30%) of not more than fifty percent (50%) of the area median income for *very low income* households and thirty percent (30%) of not more than eighty percent (80%) of the area median income for *low income* households.

Alley means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an *abutting property*.

Amended map means a map as set forth in the *Subdivision Map Act*, Section 66469 through 66472.1, that is used to correct errors or to amend an existing final map or *parcel map*.

Antenna means a device or system used for the transmission or reception of radio frequency signals for wireless communications. It may include an Omni-directional (whip), directional (panel), dish, or GPS *antenna*. It does not include the support structure.

Appealable area means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. This area includes lands between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. The *appealable area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. 00-17067-1; however, this map may be updated as appropriate and may not include all lands involving post-LCP certification appeal jurisdiction.

Applicant means any person who has filed an application for a permit, map, or other matter and that is the *record owner* of the real property that is the subject of the permit, map, or other matter; the record owner's authorized agent; or any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application; including any person who has an approved and executed Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego.

Archaeological site, important (See *important archaeological site*)

Architectural projection means any building feature that extends beyond the *structural envelope* or above the roof or parapet line.

As-graded report means a report that summarizes the results of the observation and testing of *grading* operations.

Atrium means a roofed, interior building area that is open vertically through two or more *floor* levels and does not include enclosed stairways, elevators, escalators, plumbing, electrical, air conditioning, or other equipment.

Attic means a portion of the space immediately below a pitched roof and above the highest finished *floor*. See Section 113.0210 for additional information on determining *attic*.

Awning means a shelter supported entirely from the exterior wall of a building and composed of non-rigid and rigid material including the supporting framework.

Base Flood means a *flood* having a one percent chance of being equaled or exceeded in any given year (also called "100-year flood".)

Base flood elevation means the water surface elevation of a *base flood.*

Basement means a building area that is wholly or partially below *grade*.

Beach, coastal (See *coastal beach*)

Bedroom means an enclosed space within a dwelling unit that is designed or could be used for sleeping and has a permanent door permitting complete closure and separation from all *kitchen*, living room, and hallway areas. A room or other enclosed space is not considered a *bedroom* if it is the sole access to another *bedroom*.

Benefitted area means the entire area that receives a benefit from a *public improvement* or *public improvements*.

Bluff, coastal (See *coastal bluff*)

Bluff edge, coastal (See *coastal bluff edge*)

Boarder means an individual resident who is furnished sleeping accommodations and meals in a residential *structure*.

Breakaway wall means a wall that is not part of the structural support of the building and is designed and constructed to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Building envelope means the three-dimensional space within which a *structure* could be located as established by the applicable *setbacks* and maximum allowable *structure height*. See Section 113.0213 for additional information on determining a *building envelope*.

Building facade means all walls, or portions thereof, of a building that are visible when projected perpendicularly to a single plane that is most parallel to the closest *public right-of-way*, excepting alleys. See Section 113.0216 for additional information on determining *building facade*.

Business day means any day except a Saturday, Sunday, or holiday listed in Municipal Code Section 21.04, unless otherwise specified.

Certificate of Correction means a recorded document as set forth in the *Subdivision Map Act*, Sections 66469-66472.1 that is used to correct errors on a limited portion of a recorded *final map* or *parcel map*.

Certification means a *signed*, written statement that required inspections and tests have been performed and that the work performed complies with the applicable requirements.

Changeable copy sign means a *sign* on which copy can be changed either in the field or by remote means.

Channelization means artificial *flood* control works designed and constructed to contain all of a specified *flood* event; however, within the Coastal Overlay Zone *channelization* also means the filling or substantial alteration of the floodplain.

Child care facility means a facility that provides nonmedical care for children less than 18 years of age, on less than a 24-hour basis including small family day care homes, large family day care homes, and child care centers.

Church means an institution that people regularly attend to participate in or hold religious services, meetings, or other activities. This term does not carry a secular connotation and includes the buildings or other locations in which the religious services of any denomination are held.

Clearing means the cutting and removal of existing vegetation from a *premises* without disturbance to the soil or surface or destruction of the root system.

Coastal beach means the land between the edge of the sea and the first line of terrestrial vegetation or *development* or the toe of an adjacent *sensitive coastal bluff* or seawall, whichever is most seaward.

Coastal bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.

Coastal bluff edge means the termination of the top of a *coastal bluff* where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the *coastal bluff face*. See Section 113.0219 for additional information on determining the *coastal bluff edge*.

Coastal bluff face means that portion of a *coastal bluff* lying between the toe of the existing bluff and the *coastal bluff edge*.

Coastal bluff, sensitive (See *sensitive coastal bluff*)

Coastal development means "development" as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Condominium conversion means the change in ownership from a single *structure* or group of *structures* used for residential rental units to individual ownership of apartments or units under a condominium plan or to a cooperative or stock apartment project pursuant to the applicable provisions of the laws of the State of California.

Construction permit means a permit issued pursuant to Land Development Code Chapter 12, Article 9. Construction permits include the following: Building Permits, Electrical Permits, Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Sign Permits.

Court, interior (See *interior court*)

Coverage, lot (See *lot coverage*)

Date of final action means the date all rights of appeal are exhausted for a permit, map, or other matter.

Decision date means the date a designated staff person approves or denies a permit or other matter.

Dedication means real property or an interest in real property offered to and accepted by the City for public use.

Dedication, unaccepted offer of (See *unaccepted offer of dedication*)

Deemed complete means that the City Manager has determined that an application includes all of the information, materials, fees, and deposits required.

Density means the relationship between the number of dwelling units existing or permitted on a *premises* and the area of the *premises*. See Section 113.0222 for additional information on calculating *density*.

Designated historical resource means a *historical building*, *historical district*, *historical landscape*, *historical object*, or *historical structure*, *important archaeological site* or *traditional cultural property* which has been designated by the Historical Resources Board pursuant to Land Development Code Chapter 12, Article 3, Division 2, is included in the City of San Diego Historical Resources Board Register, or has been listed in or determined to be eligible for listing in the California Register of Historic Resources or the National Register of Historic Places.

Development means the act, process, or result of dividing a parcel of land into two or more parcels; of erecting, placing, constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, *structure*, improvement, *lot*, or *premises*; of *clearing*, *grubbing*, excavating, embanking, *filling*, managing brush, or agricultural *clearing* on public or private property including the construction of slopes and facilities incidental to such work; or of disturbing any existing vegetation.

Development permit means a permit issued pursuant to Land Development Code Chapter 12, Article 6. *Development permits* include the following: Neighborhood Use Permits, Conditional Use Permits, Neighborhood Development Permits, Site Development Permits, Planned Development Permits, Coastal Development Permits, and Variances.

Disabled Person, pursuant to the Fair Housing Amendments Act of 1988, means any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

Dormer means a roofed *structure* projecting from a sloping roof and usually housing a window or ventilating louver.

Dwelling unit, means a room or suite of rooms in a building or portion thereof, used, intended or designed to be used or occupied for living purposes by one *family*, and containing only one *kitchen*.

Dwelling unit, multiple (See *multiple dwelling unit*)

Dwelling unit, single (See *single dwelling unit*)

Encroachment means an intrusion of *development* into the *public right-of-way*, into *environmentally sensitive lands*, into lands containing a *historical resource*, or into required *yards*.

Environmental determination means a decision by any non-elected City decision maker, to certify an environmental impact report, adopt a negative declaration or mitigated negative declaration, or to determine that a project is not subject to the California Environmental Quality Act (CEQA), under State CEQA Guidelines section 15061(b)(2) or (3).

Environmentally sensitive lands means land containing *steep hillsides, sensitive biological resources, costal beaches, sensitive costal bluffs,* or *Special Flood Hazard Areas.*

Excavation means the act, process, or result of earthen material or substance being removed, cut into, dug, quarried, uncovered, displaced, or relocated.

Existing grade means the *grade* of a *premises* that existed before any *development* occurred or the *grade* of an existing pad that was approved by a *tentative map*. See Section 113.0228 for additional information on determining *existing grade*.

Exploration means the search for minerals by geological, geophysical, geochemical, or other techniques including sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent, or quantity of minerals present.

Externally illuminated sign means a *sign* that reflects light from a source intentionally directed upon it, including silhouettes of letters or symbols placed before a background of reflected light.

Family means two or more persons related through blood, marriage, or legal adoption or joined through a judicial or administrative order of placement of guardianship; or unrelated persons who jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit.

Fence means a vertical barrier or enclosure constructed of any material that supports no load other than its own weight.

Fence, open (See *open fence*)

Fence, solid (See *solid fence*)

Fill means any soil, excavated or dredged material, riprap, rock, concrete, construction debris, pilings, sand, or other material or substance that is added to any location on a *premises*.

Final map means a map as defined by the *Subdivision Map Act*, Section 66426, usually used to subdivide a property into five or more *lots*.

Findings means determinations based upon a statement or set of statements of factual evidence that are used as the criteria for making a decision on a discretionary action.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of *flood* waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash *flood* or an abnormal tidal surge; or (4) by some similarly unusual and unforeseeable event which results in *flooding* as defined in this definition.

Flood fringe means all that land in a *Special Flood Hazard Area* not lying within a *floodway*, as shown on the *Flood Insurance Rate Maps*.

Flood Insurance Rate Map (FIRM) means the most current effective maps as published by the Federal Emergency Management Agency that delineates the *Special Flood Hazard Areas* and the risk premium zones applicable to the community.

Flood Insurance Study means the most current published by the Federal Emergency Management Agency in conjunction with the *Flood Insurance Rate Maps (FIRM)*. The study includes such background data as the *base flood* discharges and water surface elevations that were used to prepare the *FIRMs*.

Flood proofing means any combination of structural and nonstructural additions, changes, or adjustments to *structures* that reduce or eliminate the damage to a *premises* and its contents that would otherwise result from a *flood.*

Floodplain, (See *Special Flood Hazard Area*)

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the *base flood* without cumulatively increasing the water surface elevation more than one foot. *Floodway* also means the area within a *Special Flood Hazard Area*, as shown on the *Flood Insurance Rate Maps*.

Floor means a horizontal, continuous, supporting, or nonsupporting surface of a *structure*.

Floor Area Ratio (*FAR*) means the numerical value obtained by dividing the *gross floor area* of all buildings on a *premises* by the total area of the *premises* on which the buildings are located.

Freeway means a limited-access roadway as provided by the California Streets and Highways Code.

Geotechnical report means a preliminary report that states existing soil conditions and provides recommendations for the proposed construction operations. For purposes of the Land Development Code, the term *geotechnical report* includes soils reports, geological reconnaissance, geotechnical investigations, and seismic studies.

Grade means the elevation of the surface of the ground.

Grade, existing (See *existing grade*)

Grade, proposed (See *proposed grade*)

Grading means any earthwork that involves *grubbing*, excavating, embanking, or *filling*.

Gross floor area means the sum of the horizontal square footage of all existing, proposed, and phantom *floors* of a building which may or may not be completely enclosed within the exterior surface of the surrounding exterior walls. See Section 113.0234 for additional information on calculating *gross floor area.*

Ground sign means any *sign* supported wholly by uprights, braces, or poles in or on the ground including poster panels, painted bulletins, *signs* on *fences*, and *signs* on *structures* other than buildings and canopies.

Grubbing means the removal or destruction of vegetation by disturbance to the root system or soil surface by mechanical, chemical, or other means.

Guest room means any rented or leased room that is used or designed to provide sleeping accommodations for one or more guests in *hotels*, *motels*, bed and breakfast facilities, private clubs, lodges, and fraternity or sorority houses.

Hardscape means patterned paving material including tiles; mortared pavers; wood timbers; colored, patterned concrete with a tile, brick, or stone appearance; or a patterned paving material with enhanced concrete that has an exposed aggregate, colored, or salt finish.

Hazardous waste means waste that because of its quantity, concentration, or physical, chemical, or infectious characteristics may either cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, disposed of, or otherwise managed. Unless expressly provided otherwise, the term *hazardous waste* shall include extremely *hazardous waste* as defined in the Code of Federal Regulations (40 CFR Part 264).

Height, structure (See *structure height*)

Historical building means a construction that possesses historical, scientific, architectural, aesthetic, or cultural significance that was created principally to shelter human activity (such as a house, barn, *church*, *hotel*, or similar construction).

Historical district means a significant concentration, linkage, or continuity of sites, buildings, *structures*, or objects that are united historically, geographically, or aesthetically by plan or physical *development* and that have a special character, historical interest, cultural or aesthetic value, or that represents one or more architectural periods or styles in the history and *development* of the City.

Historical landscape means a modified feature of the land that possesses historical, scientific, aesthetic, cultural, or ethnic significance to a neighborhood or community.

Historical object means a construction of historical, scientific, aesthetic, cultural, or ethnic significance that is usually by design or nature movable and primarily artistic in nature or relatively small in scale and simply constructed (such as *signs*, light fixtures, and *street* or garden furniture).

Historical resource means a *designated historical resource, historical building, historical structure, historical object, important archaeological site, historical district, historical landscape*, or *traditional cultural property*.

Historical structure means a functional construction that possesses historical, scientific, architectural, aesthetic, or cultural significance, usually made for purposes other than sheltering human activity (such as large-scale engineering projects, water control systems, transportation systems, mine shafts, kilns, ovens, lighthouses, and radio telescopes).

Hotel/Motel means a building containing six or more *guest rooms* that are rented for less than 30 days and used or designed to be used for sleeping purposes. *Hotel* or *motel* does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

Idle means to curtail for a period of one year or more surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone.]

Important archaeological site means a site or location of past human occupation with significant subsurface deposits, where important prehistoric or historic activities or events occurred, that possesses unique historical, scientific, cultural, religious, or ethnic value of local, regional, state, or federal importance. *Important archaeological sites* include:

(a) Archaeological sites listed in the City of San Diego Historical Resources Board Register or listed in or determined to be eligible for listing in the California Register of Historical Resources or in the National Register of Historic Places;

(b) Areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or large camps); and

(c) Locations of past or current traditional religious or ceremonial observances as defined by California Public Resources Code Section 5097.9, et seq., and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burials, pictographs, petroglyphs, solstice observation sites, and sacred shrines).

Interested person means a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker at that public hearing or a person who expressed an interest in the decision in writing to that decision maker before the close of the public hearing.

Interior court means a space that is open and unobstructed to the sky and is bounded on three or more sides by walls that extend above *grade*.

Internally illuminated sign means a *sign* that has the light source enclosed within it so the source is not visible to the eye.

Kitchen means an area used or designed to be used for the preparation of food which includes facilities to aid in the preparation of food such as a sink, a refrigerator and stove, a range top or oven.

Land use plans means the Progress Guide and General Plan and adopted community plans, specific plans, precise plans, and sub-area plans.

Large retail establishment means a single tenant retail establishment 50,000 square feet or greater *gross floor area* or one multiple tenant retail establishment 50,000 square feet or greater *gross floor area* where the multiple tenants share common check stands, a controlling interest, storage areas, warehouses, or distribution facilities.

Lateral access means the public access along the shoreline paralleling the water's edge.

Local Coastal Program has the same meaning as stated in the California Coastal Act of 1976, Section 30108.6, which states: "*Local Coastal Program* means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level."

Lodger means any person renting a room in a residential *structure* for living or sleeping purposes without having free access to and use of the rest of the *structure*.

Lot means a parcel, tract, or area of land established by plat, *subdivision*, or other legal means to be owned, used, or developed. See Section 113.0237 for additional information on determining a *lot*.

Lot coverage means that portion of a *lot* that is occupied by buildings or *structures* that are roofed or otherwise covered or that are unroofed and have a finished *floor* that extends more than 3 feet above *grade*. *Lot coverage* is expressed as a percentage. See Section 113.0240 for additional information on calculating *lot coverage*.

Low income means any household whose income exceeds 50 percent but does not exceed 80 percent of the median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Lowest floor means the *lowest floor* of the lowest enclosed area. An unfinished or *flood*-resistant enclosure that is usable solely for parking vehicles, building access, or storage is not considered a building's *lowest floor*.

Luminous tube lighting means gas-filled tubing that, when subjected to high voltage, becomes luminescent in a color characteristic of the gas used.

Map, amended (See *amended map*)

Manufactured home means a *structure* that is transportable in one or more sections that has been built on a permanent chassis and designed for use as a dwelling when attached to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Map, final (See *final map*)

Map, parcel (See *parcel map*)

Map, subdivision (See *subdivision map*)

Map, tentative (See *tentative map*)

Market value means the current dollar value of a *structure* that is determined in accordance with procedures established by the City Manager.

Marquee means a permanent, roofed *structure* that is attached to and supported by a building and that projects over the *public right-of-way*.

MHPA means multiple habitat planning area as identified by the City of San Diego *MSCP Subarea Plan*. The *MHPA* includes areas to be preserved as well as those areas where *development* will be allowed.

Mined lands means the surface, subsurface, and groundwater of an area in which *surface mining* operations are proposed to be, are being, or have been conducted, including private ways or roads appurtenant to these areas, land excavations, workings, *mining waste*, and areas in which *structures*, facilities, equipment, machines, tools, or other materials or property that result from or are used in *surface mining* operations are located.

Mining waste means the residual soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from or displaced by *surface mining* operations.

Mobilehome means a *structure* that is transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 30 feet or more in length, or, when erected on-site, has 240 or more square feet of *lot coverage*, and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any *structure* which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a *certification* and complies with the standards established under this part. Mobilehome includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. and 5401, et seq.).

Moderate income means any household whose income exceeds 80 percent but does not exceed 120 percent of the median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Monopole means a support structure, which consists of a single pole supporting a panel, omni or dish *antenna*.

Motel (See *hotel/motel*)

MSCP Subarea Plan means the City of San Diego plan implementing the Multiple Species Conservation Program.

Multiple dwelling unit means a building containing two or more *dwelling units* on a single *lot*. The term does not include companion units or employee housing.

Off-street parking space means an unobstructed area not located in a public *street* or *alley* that is maintained exclusively for the parking of one passenger vehicle.

Open fence means a *fence* that has at least 35 percent of the vertical surface area of each 6-foot section open to light. Within the Coastal Overlay Zone, *open fence* means a fence designed to permit public views that has at least 75 percent of its surface area open to light.

Operator means any person who is directly engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone.]

Overburden means soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by *surface mining* operations.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone.]

Owner, record (See *record owner*)

Parcel map means a map as defined by the *Subdivision Map Act*, Section 66426, usually used to subdivide a property into four *lots* or less.

Parking, shared (See *shared parking*)

Parking space, off-street (See off-street parking space)

Parking structure, underground (See *underground parking structure*)

Parkway means the area within the *public right-of-way* between the curb of a *street* and the *public right-of-way* line.

Penthouse means a *structure* for enclosing mechanical equipment or stairs that is located on the roof of a multi-story building and set back from the vertical projections of the exterior building walls.

Permit holder means an *applicant* who has been granted a permit, or the *applicant's* successor, or the person using the property that is subject to the permit.

Planned Urbanized Communities include recently developed and developing communities characterized by urban or suburban levels of density and intensity. *Planned Urbanized Communities* are one of the Development Character Areas represented on Figure 131-01A.

Premises means an area of land with its *structures* that, because of its unity of use, is regarded as the smallest conveyable unit.

Previously conforming means the circumstance where a use, *structure*, or *premises* complied with all applicable state and local laws when it was first built or came into existence, but because of a subsequent change in zone or development regulations, is not in conformance with the current zone or all development regulations applicable to that zone.

Previously conforming density means the circumstance where a residential *development* is currently an allowed use in the zone and was constructed with a lawful number of units, but due to a change in the zone or zoning regulations, now has a greater number of units than is allowed in the zone.

Prezoning ordinance means an ordinance adopted by the City Council that delineates the zoning of territory not yet incorporated into the City.

Primary use means the allowed use on a *premises* that occupies a majority of the area of the *premises*.

Projecting sign means a *sign* other than any type of *wall sign* that is attached to and extends from the face of a *structure*.

Property line means a line that defines the boundaries of a *lot* or *premises* for purposes of applying development regulations. See Section 113.0246 for additional information on determining *property lines*.

Proposed grade means the *grade* of a *premises* that will result after all *development* has been completed. See Section 113.0231 for additional information on determining *proposed grade*.

Proposition A Lands include lands characterized by very low density, residential, open space, natural resource based park or agricultural uses, have the same meaning as the former future urbanizing land designation, and are subject to Proposition A, the Managed Growth Initiative of 1985. *Proposition A Lands* are one of the Development Character Areas represented on Figure 131-01A.

[Editors Note: Refer to the Land Use and Community Planning Element of the 2008 General Plan for further description of the former future urbanizing land designation, the current Development Character Areas, and Proposition A, the Managed Growth Initiative.]

Public improvement means the act or result of construction, reconstruction, or repair of improvements that are for or incidental to a public purpose.

Public nuisance has the same meaning as stated in Municipal Code Section 11.0210.

Public park means a publicly owned area that is designated as a park.

Public right-of-way means a public easement for *streets*, *alleys*, or other uses.

Public service easement means any easement granted to the City of San Diego for public utilities of any kind and related facilities.

Public vantage point means any publicly accessible location on dedicated or publicly owned property, including roadways and parks, that affords a view of open space areas, unblocked by existing or potential *structures* built in accordance with provisions of the applicable zone. Open space areas include the ocean, a coastal lagoon, a canyon, a hillside, or any other open space area identified in an adopted community plan.

Public utility means a person or entity furnishing gas, electricity, or communication services to the citizens of San Diego under a franchise granted by the City or the State of California.

Reasonable Accommodation, pursuant to the Fair Housing Amendments Acts of 1988 and the California Fair Employment and Housing Act, means accommodations necessary to afford *disabled persons* an equal opportunity to use and enjoy a *dwelling unit.*

Reclamation means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, *flooding*, erosion, and other adverse effects from *surface mining* operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

[Editors Note: This definition only applies outside of the Coastal Overlay Zone. For the definition of reclamation within the Coastal Overlay Zone, refer to Land Development Code Section 113.0103, added by City Council on December 9, 1997 by O-18451.]

Record owner means the owner of real property as shown on the latest equalized property tax assessment rolls of the San Diego County Assessor.

Recyclable material means material that is suitable for reuse, remanufacture, or reconstitution, including glass, plastic, paper, and metal. *Recyclable material* does not include general refuse, *hazardous waste*, or *hazardous waste* materials.

Recyclable construction and demolition debris means material generated at construction and demolition sites that is suitable for reuse, remanufacture, or reconstitution, including asphalt, concrete, aggregates, bricks, rocks, ceramics, drywall, metals, wood, soils or other material.

Recycling facility means a center for the collection or processing of *recyclable materials*. A facility that uses *recyclable materials* to manufacture an end product that does not require further processing is a manufacturing facility, not a *recycling facility*.

Recycling Market Development Zones means industrial areas that have been designated by the City Council to stimulate businesses that manufacture recycled products and process *recyclable material*.

Reimbursement district means the *benefited area* within which a property is subject to a reimbursement charge for the purpose of reimbursing a developer or the City, or both, for the cost of *public improvements* that are not attributable to the project that funded the entire cost of *public improvements*.

Remainder parcel means that portion of a subdivided property that is not divided for the purpose of sale, lease, or financing as defined in the *Subdivision Map Act*, Section 66424.6.

Remaining yard means the portion of the *yards* on a *premises* that is not within the *street yard*.

Resolution of lien means the resolution passed by the City Council establishing the amount due from each parcel within a *reimbursement district*.

Retaining wall means a wall designed to resist the lateral displacement of soil or other materials.

Roof deck means an enclosed or partially enclosed area, with or without an overhead *structure*, cover, or roof, that is located on a flat or relatively flat roof of a building. Any walled area erected exclusively to *screen* mechanical equipment is not a *roof deck*.

Roof eave means the lowest part of a roof that overhangs the wall below and from which rain would drain.

Roof line means the top edge of a roof or the top of the parapet, whichever is the higher elevation.

Roof sign means a *sign* erected upon, against, or directly above a roof or *roof eave*, atop or above the parapet, or on an architectural adjunct above the roof or *roof eave*.

Rooming house means a *dwelling unit* where three or more rooms are rented individually or separately, to tenants under separate rental agreements. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act (42 USC section 3604 (f)) and the California Fair Housing Act (California Government Code section 12920 et seq.), or housing otherwise subject to the City's Separately Regulated Use regulations in Chapter 14, Article 1, shall not constitute a *rooming house*.

School means an institution of learning that offers instruction in those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. This definition does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

Screen means the act, process, or result of visually shielding or obscuring a *structure* or use from adjacent property by fencing, walls, berms, or densely planted vegetation.

Seismic safety study means the most recent update of the document so titled, including the Geologic Hazard Maps, Geotechnical Land Use Maps, and Fault Maps, as approved by the City Engineer and on file with the City Engineer and the City Clerk.

Sensitive biological resources means upland and/or *wetland* areas that meet any one of the following criteria:

(a) Lands that have been included in the City of San Diego Multiple Species Conservation Program Preserve;

(b) *Wetlands*;

(c) Lands outside the *MHPA* that contain Tier I Habitats, Tier II Habitats, Tier IIIA Habitats, or Tier IIIB Habitats;

(d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations; or

(e) Lands containing habitats with Narrow Endemic Species as listed in the Biology Guidelines in the Land Development manual.

(f) Lands containing habitats of covered species as listed in the Biology Guidelines in the Land Development Manual

EDITORS NOTE: **The Land Development Manual includes:**

Coastal Bluffs and Beaches Guidelines
Biology Guidelines
Historical Resources Guidelines
Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land

Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

Sensitive coastal bluff means a *coastal bluff* that is designated within hazard category numbers 41 through 47, inclusive, on the City's Geologic Hazard Maps plus the area of an additional 100-foot strip located landward and contiguous to the *coastal bluff edge*.

Setback means a required distance inward from and perpendicular to a *property line* at or behind which all *structures* must be located unless otherwise specified. See Section 113.0252 for additional information on measuring *setbacks*.

Setback line means a continuous line located at the *setback* running parallel to the closest *property line*. See Section 113.0249 for additional information on determining *setback line*.

Sex offender means any individual who has been charged by criminal indictment or complaint or convicted of a sex-related offense outside the *family* unit as defined by the California Penal Code, Part 1, Title 9, Chapter 1, or in Sections 286, 286.5, 288, 288a, 289 of Chapter 5, or in Section 314 of Chapter 8, or any amendment or recodification of any such sections.

Sex offender treatment and counseling facility means a medical treatment or counseling facility that physically or psychologically treats five or more *sex offenders* within 1 calendar year.

Shared parking means the sharing, under legal agreement, of an off-street parking facility or facilities by two or more uses.

Side street means a *street* abutting a corner *lot* that is approximately parallel to the line along which lot depth is measured as described in Section 113.0243.

Sign means any identification, description, illustration, or device, illuminated or nonilluminated, that is visible from the public *right-of-way* or is located on private property and exposed to the public and which directs attention to a product, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise with the exception of window displays, and any emblem, painting, banner, pennant, placard, or temporary *sign* designed to advertise, identify, or convey information.

Sign, advertising display (See *advertising display sign*)

Sign, changeable copy (See *changeable copy sign*)

Sign copy means the words, symbols, or emblems on a *sign* surface, whether in permanent or removable form.

Sign copy area means the area of the smallest geometric figure that can enclose the words, symbols, or emblems of a *wall sign*. For internally illuminated *wall signs*, the entire illuminated *sign face* is the *sign copy area*. See Section 113.0255 for additional information on how to calculate *sign copy area*.

Sign, externally illuminated (See *externally illuminated sign*)

Sign face means the entire area of a *sign* on which *sign copy* could be placed for *roof signs*, *ground signs*, *projecting signs*, and *advertising display signs*. See Section 113.0258 for additional information on how to calculate *sign face*.

Sign, ground (See *ground sign*)

Sign, internally illuminated (See *internally illuminated sign*)

Sign, projecting (See *projecting sign*)

Sign, roof (See *roof sign*)

Sign, wall (See *wall sign*)

Single dwelling unit means a detached *dwelling unit* or attached *dwelling units* where each dwelling unit is on an individual *lot*.

Social service institution means an organization engaged in activities that promote social welfare, including philanthropic assistance to the sick, needy, or unfortunate. This term does not include residential care facilities, provisions for on-site residence or confinement, adult day care, alcohol recovery facilities, and parolee rehabilitation services.

Solid fence means a *fence* that provides a solid screen.

Special Flood Hazard means any area inundated during a *base flood* as shown on the Federal Insurance Rate Map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E (also referred to as the 100-year *floodplain*).

Specified anatomical areas means and includes less than completely and opaquely covered human genitals, pubic region, buttocks, anus, female breasts below a point immediately above the top of the areolae, or human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes the fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; masturbation, actual or simulated; or excretory functions as part of or in connection with any of the activities set forth above.

SRO (single room occupancy) *hotel* means a *structure* which contains six or more SRO *hotel rooms*. An SRO *hotel* does not include any institution in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care, or fraternity or sorority houses.

SRO *hotel room* means a *guest room* or efficiency unit, as defined by California Health and Safety Code section 17958.1, intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests

Stabilization means the act, process, or result of applying measures designed to reestablish a weather-resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the property's basic existing form.

Steep hillsides means all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet.

Story means the area between *grade* and finished *floor*, the area between finish-*floor* elevations or the area between the finish-*floor* elevation and the roof elevation. See Section 113.0261 for additional information on measuring *story*.

Street means that portion of the *public right-of-way* that is dedicated or condemned for use as a public road and includes highways, boulevards, avenues, places, drives, courts, lanes, or other thoroughfares dedicated to public travel, but does not include *alleys*.

Street frontage means the length of one *premises*' *property line* along the *street* it borders.

Street, side (See *sidestreet*)

Street wall means all contiguous walls of a building whose overall limits make up the *building facade*. See Section 113.0264 for additional information on determining the *street wall*.

Street wall line means the *street wall* and a line extending outward from the outermost points of the *street wall* parallel to the *street* until the extensions of the lines intersect the side or rear *property lines* or encircle the building. See Section 113.0267 for additional information on determining *street wall line*.

Street yard means the area of a *lot* or *premises* that lies between the edge of the nearest *public right-of-way* and the *street wall line*.

Structural envelope means the three-dimensional space enclosed by the exterior surfaces of a building or *structure*.

Structure means an edifice or building of any kind or any construction built up or composed of parts joined together in some definite manner including a wall, *fence*, pier, post, *sign*, or shelter.

Structure height means the vertical distance between all points on top of a *structure* or any of its appurtenances and *grade* directly below. See Section 113.0270 for additional information on measuring *structure height*.

Subdivider has the same meaning as stated in the *Subdivision Map Act*, Section 66423.

Subdivision has the same meaning as stated in the *Subdivision Map Act*, Section 66424.

Subdivision map means any map that is filed for the purpose of subdividing property as defined by the *Subdivision Map Act*. It may be a final map or a *parcel map*.

Subdivision Map Act means the provisions found in California Government Code Section 66410, et seq.

Substantial conformance means that a revision to a *development* that was approved through a permit or *tentative map* complies with the objectives, standards, guidelines, and conditions for that permit or *tentative map*.

Substantial improvement, for the purposes of Section 143.0146 means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which, equals or exceeds 50 percent of the *market value* of the structure before the start of construction of the improvement.

Surface mining means all, or any part, of the process involved in the mining of minerals on mined lands by removing *overburden* and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. *Surface mining* operations include but are not limited to:

(a) In-place distillation or retorting or leaching.

(b) The production and disposal of *mining waste*.

(c) Prospecting and exploratory activities.

[**Editors Note**: This definition only applies outside of the Coastal Overlay Zone. For the definition of *surface mining* within the Coastal Overlay Zone, refer to Land Development Code Section 113.0103, added by City Council on December 9, 1997 by O-18451.]

Targeted rental household means any household whose combined annual gross income for all members does not exceed sixty-five percent (65%) of the Area Median Income as adjusted for household size as determined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

Targeted ownership household means a household whose combined annual gross income for all members does not exceed one hundred percent (100%) of the Area Median Income as adjusted for household size as determined by the U. S. Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area.

Temporary event means an activity or use of limited duration that involves the placement of non-permanent structures and/or involves exclusive use of sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use. For purposes of this definition, limited duration means a period of time which does not exceed a two week period on a continual basis, or does not exceed a consecutive four month period on an intermittent basis.

Tentative map has the same meaning as stated in the *Subdivision Map Act*, Section 66424.5.

Traditional cultural property means a locale which has been, and may continue to be, of religious, mythological, economic, or social importance to an identifiable ethnic group. This includes sacred areas where religious ceremonies were or are practiced or that are central to a group's origins as a people (such as a mountain, river, or cave). Also included are areas where plants or other materials were or are gathered for food, medicine, or other economic purposes.

Transit area means (1) the area within a one-quarter-mile radius of either public *streets* as having the location, mix of densities, mix of uses, and *development* patterns that can generate sufficient bus ridership to support a frequent and consistent level of bus service (as typified by a 10 to 15-minute frequency of service); or, (2) existing and proposed trolley stops and major bus transfer centers that have been approved for *development* by the Metropolitan Transit Development Board (MTDB) with identified, available funding, as identified in Map No. C-900 on file in the office of the City Clerk as Document No. OO-18911-2.

Unaccepted offer of dedication means real property or an interest in real property offered to, but not accepted by, the City for public use and on which the City retains the right to accept the offer of *dedication* at a later date.

Uncontrolled fill means any *fill* on which no soil testing was performed or no compaction reports or other soils reports were prepared or submitted during or after placement.

Underfloor means the usable or unusable space under the lowest usable finished *floor* of a *structure* on a sloping *lot*.

Underground parking structure means a parking *structure* constructed so that no more than 2 feet, 6 inches of the height of the uppermost *story* or roof is above *grade*.

Urbanized Communities include the central portion of the City and are characterized by the established, built-out neighborhoods and downtown core. Urbanized Communities are one of the Development Character Areas represented on Figure 131-01A

Vehicular use area means the area of a *premises* used for parking and vehicular traffic for all types of vehicles excluding covered parking *structures* or underground parking areas.

Very low income means any household whose income does not exceed 50 percent of median income as adjusted for household size as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area.

Visibility area means the area necessary to allow adequate sight distance for safe vehicle and pedestrian movement at intersections involving a *public right-of-way*. See Section 113.0273 for additional information on measuring *visibility areas*.

Wall, retaining (See *retaining wall*)

Wall sign means a *sign* attached to, or a *sign copy area* on, a *structure* or adjunct of a *structure*, including an equipment *screen* or *dormer* that completely *screens* the mechanical equipment of the *structure*, and has its exposed *sign face* parallel or approximately parallel to the plane of the *structure* to which the *sign* is attached.

Wetland buffer means an area or feature(s) that protects the functions and values of the adjacent *wetland*.

Wetlands are defined as areas which are characterized by any of the following conditions:

1. All areas persistently or periodically containing naturally occurring *wetland* vegetation communities characteristically dominated by hydrophytic vegetation, including but not limited to salt marsh, brackish marsh, freshwater marsh, riparian forest, oak riparian forest, riparian woodlands, riparian scrub, and vernal pools;

2. Areas that have hydric soils or *wetland* hydrology and lack naturally occurring *wetland* vegetation communities because human activities have removed the historic *wetland* vegetation or catastrophic or recurring natural events or processes have acted to preclude the establishment of *wetland* vegetation as in the case of salt pannes and mudflats;

3. Areas lacking *wetland* vegetation communities, hydric soils and *wetland* hydrology due to non-permitted filling of previously existing *wetlands*;

4. Areas mapped as *wetlands* on Map No. C-713 as shown in Chapter 13, Article 2, Division 6 (Sensitive Coastal Overlay Zone).

It is intended for this definition to differentiate for the purposes of delineating *wetlands*, between naturally occurring *wetlands* and *wetlands* intentionally created by human actions, from areas with *wetlands* characteristics unintentionally resulting from human activities in historically non-wetland areas. With the exception of *wetlands* created for the purpose of providing *wetland* habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating *wetland* characteristics, which are artificially created are not considered *wetlands* by this definition. Taking into account regional precipitation cycles, all adopted scientific, regulator, and technological information available from the State and Federal resource agencies shall be used for guidance on the identification of hydrophytic vegetation, hydric soils and *wetland* hydrology.

Wireless communication facility means the *antennas,* support structures, and other equipment or apparatus necessary for providing personal wireless services and information services.

Yard means an open area that lies between the *setback line* and the nearest parallel *property line* within which no *structures* may be located, unless otherwise specified. See Section 113.0276 for additional information on determining *yards*.

(Amended 6-3-2003 by O-19191 N.S.)
(Amended 9-7-2004 by O-19313 N.S.)
(Amended 2-28-2005 by O-19360 N.S.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10- 2006)
(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)
(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)
(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)
(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)

§129.0113 When a Certificate of Occupancy Is Required

(a) No *structure* shall be used or occupied, and no change in the existing occupancy classification of a *structure* or portion of a *structure* shall be made until the Building Official has issued a certificate of occupancy approving that use or occupancy, except that existing Group R, Division 3 and Group U Occupancies do not require a Certificate of Occupancy.

(b) Changes in the character or use of a building shall not be made except as specified in the 2001 California Building Code Section 3405.

(Amended 9-24-2002 by O-19102 N.S.)

§129.0114 Issuance of a Certificate of Occupancy

The Building Official shall inspect the *structure* and if the Building Official finds no violations of the Land Development Code or other regulations that are enforced by the City's designated Code Enforcement Officials, the Building Official shall issue a Certificate of Occupancy. All work for which a Building Permit was issued must be complete and have had a final inspection before issuance of a Certificate of Occupancy, except in accordance with Section 129.0115. The Certificate of Occupancy must be signed by the Building Official.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0115 Issuance of a Temporary Certificate of Occupancy

If the Building Official finds that no substantial hazard will result from occupancy of any *structure* or portion of a *structure* before all work is completed, a temporary certificate of occupancy may be issued for the use of a *structure*, or portion of a *structure* before the completion of the entire *structure*. A Certificate of Occupancy is required upon completion of the remainder of the work.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0116 Posting of Certificate of Occupancy

The Certificate of Occupancy shall be posted in a conspicuous place on the *premises* and shall not be removed except by the Building Official.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0117 Temporary Construction Permit

The Building Official may issue a temporary *construction permit* in any zone for the construction of storage yards or temporary construction project offices. If a *development permit* has been issued for the site, the temporary *construction permit* shall be reviewed to determine that the proposed temporary construction is in accordance with the conditions of the *development permit*. The temporary uses may be allowed for a period not to exceed 9 months.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0106 Fees for Construction Permits

A fee for each *construction permit* application shall be paid at the time of application. The full *construction permit* fees shall be based on the reasonable cost of application, plan review, inspections, and other services as required for permit approval. The fees shall be paid in accordance with the schedule of fees established by resolution of the City Council and filed in the office of the City Clerk.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0107 Decision Process for Construction Permits

A decision on an application for a *construction permit* shall be made in accordance with Process One. The type of permit and the decision maker are described in Chapter 12, Article 9, Divisions 1 through 8.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0108 Issuance of a Construction Permit

After all required approvals, including any required *development permits*, have been obtained and all required fees have been paid, the Building Official may issue a *construction permit*. Construction shall not begin until the required permits have been issued.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0109 Use of Alternate Materials, Design, or Construction Methods

(a) The provisions of the Building, Electrical, Plumbing, or Mechanical Regulations are not intended to prevent the use of any alternate material, design, or construction method not specifically prescribed by the Building, Electrical, Plumbing, or Mechanical Regulations, provided the Building Official approves of their use.

(b) The Building Official may approve use of any alternate material, design, or construction method if the Building Official determines the following:

(1) That the proposed alternate material, design, or construction method would comply with the Building, Electrical, Plumbing, or Mechanical Regulations;

(2) That the proposed alternate material, design, or construction method is at least equivalent to the standards prescribed in the applicable regulation in terms of suitability, quality, strength, effectiveness, fire resistance, durability, safety, and sanitation; and

(3) That sufficient evidence has been submitted to substantiate any claims that may be made regarding the use of any proposed alternate material, design, or construction method.

§129.0212 Decision Process for a Building Permit

A decision on an application for a Building Permit shall be made by the Building Official in accordance with Process One. The Building Permit shall be approved if the Building Official finds that the work described in the permit application, plans, specifications, and other data comply with the requirements of the Building Regulations, other applicable laws and ordinances, and any applicable *development permit*.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0213 Issuance of a Building Permit

(a) The Building Permit may be issued after all approvals have been obtained and the required fees have been paid. In addition to plan check approvals, other documentation may be required before the permit is issued, in conformance with the requirements of the Land Development Code or the laws or requirements of other applicable local, state, or federal jurisdictions.

(b) A Building Permit shall not be issued for a *development* that requires a *development permit* until the *development permit* has been issued.

(c) Any security required by the Land Development Code for relocation of a *structure* shall be deposited with the City before the Building Permit is issued.

(d) If a pre-relocation examination finds that a residential *structure* is substandard, no Building Permit shall be issued until the plans are revised to include additional work that will eliminate the substandard condition.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0214 Requirements for Approved Plans

(a) Plans and specifications that are approved as part of the application for a Building Permit shall be signed and stamped "APPROVED" by the Building Official and shall be filed as an attachment to the Building Permit. Approved plans and specifications shall not be changed, modified, or altered without authorization of the Building Official.

(b) Except as required by Sections 19850 and 19851 of the Health and Safety Code, the building official shall retain one set of approved plans, specification and computations for a period of not less than 90 calendar days from the date of completion of the work authorized by those plans, after which time the building official may, at his or her discretion, either dispose of the copies or retain them as a part of the permanent files of the Development Services Department.

(Amended 9-24-2002 by O-19102 N.S.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(e) The Building Official may require plans to be signed by a mechanical engineer or shall require signature as otherwise specified by state law.

(f) All pertinent changes in mechanical plans submitted for plan check that are made before a Building Permit is issued, must be indicated by appropriate revision marks and the date of revision.

(g) An owner, or the owner's authorized representative, may request in writing, and be granted, a temporary waiver of mechanical plan check clearance before completion of regular mechanical plan check for the purpose of obtaining a building foundation permit under the following circumstances:

(1) Estimated data for sizing and locating the sewer connection and water meter are indicated on the plans;

(2) The fees are paid for the required water meter and sewer connections;

(3) Complete mechanical plans are submitted and plan check approval is obtained before a Building Permit is issued; and

(4) The owner or the owner's authorized representative agrees in writing to make any necessary changes in the plumbing system, size of water meter, or sewer connection necessary to make the installed plumbing system comply with the Plumbing and Mechanical Regulations and to pay any required additional water meter or sewer connection fees before the Building Permit for the remainder of the *structure* is issued.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0409 Decision Process for a Plumbing/Mechanical Permit

A decision on an application for a Plumbing/Mechanical Permit shall be made by the Building Official in accordance with Process One. The Plumbing/Mechanical Permit shall be approved if the Building Official determines that the work described in the permit application and the accompanying plans comply with the Plumbing and Mechanical Regulations, other applicable laws and ordinances, other applicable *construction permits*, or any applicable *development permits*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(d) Temporary uses may be permitted in the industrial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.

(e) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

Symbol in Table 131-06B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or *development permit*. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	**Zones**							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Open Space									
Active Recreation		P	P	-	P	P	-	P	P
Passive Recreation		P	P	-	-	-	-	-	-
Natural Resources Preservation		-	-	-	-	-	-	-	-
Park Maintenance Facilities		-	-	-	-	-	-	-	-
Agriculture									
Agricultural Processing		-	-	-	-	-	-	-	-
Aquaculture Facilities		-	-	P	P	P	P	P	P
Dairies		-	-	-	-	-	-	-	-
Horticulture Nurseries & Greenhouses		-	-	P	-	P	P	P	-
Raising & Harvesting of Crops		-	-	P	-	P	P	P	-
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-	-	-
Separately Regulated Agriculture Uses									
Agricultural Equipment Repair Shops		-	-	P	P	P	P	P	P
Commercial Stables		-	-	-	-	-	-	-	-
Community Gardens		-	-	N	-	N	N	N	N
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-	-	-	-	-	-	-	-
Residential									
Mobilehome Parks		-	-	-	-	-	-	-	-
Multiple Dwelling Units		-	-	-	-	-	-	-	-
Rooming House [See Section 131.0112(a)(3)(A)]		-	-	-	-	-	-	-	
Single Dwelling Units		-	-	-	-	-	-	-	-
Separately Regulated Residential Uses									
Boarder & *Lodger* Accommodations		-	-	-	-	-	-	-	-
Companion Units		-	-	-	-	-	-	-	-
Employee Housing:									
6 or Fewer Employees		-	-	-	-	-	-	-	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
12 or Fewer Employees		-	-	-	-	-	-	-	-
Greater than 12 Employees		-	-	-	-	-	-	-	-
Fraternities, Sororities and Student Dormitories		-	-	-	-	-	-	-	-
Garage, Yard, & Estate Sales		-	-	-	-	-	-	-	-
Guest Quarters		-	-	-	-	-	-	-	-
Home Occupations		-	-	-	-	-	-	-	-
Housing for Senior Citizens		-	-	-	-	-	-	-	-
Live/Work Quarters		-	-	-	-	-	-	-	L
Residential Care Facilities:									
6 or Fewer Persons		-	-	-	-	-	-	-	-
7 or More Persons		-	-	-	-	-	-	-	-
Transitional Housing:									
6 or Fewer Persons		-	-	-	-	-	-	-	-
7 or More Persons		-	-	-	-	-	-	-	-
Watchkeeper Quarters		L	L	L	L	L	L	L	L
Institutional									
Separately Regulated Institutional Uses									
Airports		C	C	C	C	C	C	C	C
Botanical Gardens & Arboretums		-	-	-	-	-	-	-	-
Cemeteries, Mausoleums, Crematories		C	C	C	C	C	C	C	C
Churches & Places of Religious Assembly		C	C	-	C	L	-	-	C
Correctional Placement Centers		C	C	C	C	C	C	C	C
Educational Facilities:									
Kindergarten through Grade 12		-	C	-	C	C	-	-	C
Colleges / Universities		C	C	-	C	C	-	C	C
Vocational / Trade School		-	-	-	P	P	-	P	P
Energy Generation & Distribution Facilities		C	C	P	C	P	P	P	C

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Exhibit Halls & Convention Facilities		-	C	C	C	C	C	C	C
Flood Control Facilities		L	L	L	L	L	L	L	L
Historical Buildings Used for Purposes Not Otherwise Allowed		C	C	C	C	C	C	C	C
Homeless Facilities:									
Congregate Meal Facilities		-	C	-	C	C	-	C	C
Emergency Shelters		-	C	-	C	C	-	C	C
Homeless Day Centers		-	C	-	C	C	-	C	C
Hospitals, Intermediate Care Facilities & Nursing Facilities		C	C	-	C	C	-	C	C
Interpretive Centers		-	-	-	-	-	-	-	-
Museums		-	-	-	-	-	-	-	-
Major Transmission, Relay, or Communications Switching Stations		C	C	C	C	C	P	C	C
Satellite Antennas		L	L	L	L	L	L	L	L
Social Service Institutions		C	C	C	C	C	-	-	C
Wireless communication facility:									
Wireless communication facility in the *public right-of-way* with subterranean equipment adjacent to a non-residential use		L	L	L	L	L	L	L	L
Wireless communication facility in the *public right-of-way* with subterranean equipment adjacent to a residential use		N	N	N	N	N	N	N	N
Wireless communication facility in the *public right-of-way* with above ground equipment		C	C	C	C	C	C	C	C
Wireless communication facility outside the *public right-of-way*		L	L	L	L	L	L	L	L
Retail Sales									
Building Supplies & Equipment		-	-	P(6,15)	P(15)	P(15)	-	P(6,15)	P(15)
Food, Beverages and Groceries		-	-	-	-	P(15)	-	-	-
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	P(2,15)	P(15)	-	-	P(3,15)
Pets & Pet Supplies		-	-	-	-	P(15)	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales		-	P(5,15)	P(5,15)	P(5,15)	P(15)	P(5,15)	P(5,15)	P(4,15)
Wearing Apparel & Accessories		-	-	-	P(3,15)	P(3,15)	-	-	P(3,15)
Separately Regulated Retail Sales Uses									
Agriculture Related Supplies & Equipment		-	-	-	P	P	P	P	P
Alcoholic Beverage Outlets		-	-	-	-	L	-	-	-
Plant Nurseries		-	-	-	-	P	-	P	P
Swap Meets & Other Large Outdoor Retail Facilities		-	-	C	C	C	C	C	C

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Commercial Services									
Building Services		-	-	P	P	P	-	P	P
Business Support		-	P[8]	P[8]	P	P	-	P[8]	P
Eating & Drinking Establishments		-	P[7]	P[7]	P[7]	P	-	P[7]	P[4]
Financial Institutions		-	P	-	P	P	-	-	P
Funeral & Mortuary Services		-	-	-	P	P	-	P	-
Maintenance & Repair		-	-	P	P	P	-	-	P
Off-site Services		-	P	P	P	P	-	P	P
Personal Services		-	-	-	P[9]	P[9]	-	-	-
Assembly & Entertainment		-	-	-	P[11]	P	-	-	P[12]
Radio & Television Studios		-	P	P	P	P	-	P	P
Visitor Accommodations		-	-	-	-	-	-	-	-
Separately Regulated Commercial Services Uses									
Adult Entertainment Establishments:									
Adult Book Store		-	-	-	L	L	-	L	L
Adult Cabaret		-	-	-	-	L	-	-	-
Adult Drive-in Theater		-	-	-	L	L	-	-	-
Adult Mini-Motion Picture Theater		-	-	-	L	L	-	-	L
Adult Model Studio		-	-	-	L	L	-	-	-
Adult *Motel*		-	-	-	-	-	-	-	-
Adult Motion Picture Theater		-	-	-	L	L	-	-	L
Adult Peep Show Theater		-	-	-	L	L	-	-	L
Adult Theater		-	-	-	L	L	-	-	L
Body Painting Studio		-	-	-	L	L	-	-	-
Massage Establishment		-	-	-	-	L	-	-	-
Sexual Encounter Establishment		-	-	-	-	-	-	-	-
Bed & Breakfast Establishments:									
1-2 Guest Rooms		-	-	-	-	-	-	-	-
3-5 Guest Rooms		-	-	-	-	-	-	-	-
6+ Guest Rooms		-	-	-	-	-	-	-	-
Boarding Kennels		-	C	C	C	C	C	C	C
Camping Parks		-	-	-	-	-	-	-	-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	**Zones**							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Child Care Facilities:									
Child Care Centers		L	L	-	L	L	-	L	L
Large Family Day Care Homes		-	-	-	-	-	-	-	-
Small Family Day Care Homes		-	-	-	-	-	-	-	-
Eating and Drinking Establishments Abutting Residentially Zoned Property		-	-	-	-	L	-	-	-
Fairgrounds		-	C	C	C	C	C	C	C
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-	C	C	C	C	C	C	C
Helicopter Landing Facilities		C	C	C	C	C	C	C	C
Instructional Studios		-	-	-	-	P	-	-	P
Massage Establishments, Specialized Practice		-	-	-	-	L	-	-	-
Nightclubs & Bars over 5,000 square feet in size		-	-	-	-	-	-	-	-
Parking Facilities as a *Primary Use*:									
Permanent Parking Facilities		C	C	P	C	P	P	P	C
Temporary Parking Facilities		C	C	N	C	N	N	N	C
Private Clubs, Lodges and Fraternal Organizations		C	C	C	C	C	C	C	C
Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size(13)		C	C	C	C	C	C	C	C
Pushcarts:									
Pushcarts on Private Property		L	L	L	L	L	L	L	L
Pushcarts in Public Right of Way		N	N	N	N	N	N	N	N
Recycling Facilities:									
Large Collection Facility		L	N	N	N	N	L	L	N
Small Collection Facility		L	L	L	L	L	L	L	L
Large Construction & Demolition Debris *Recycling Facility*		-	-	N	-	C	C	N	-
Small Construction & Demolition Debris *Recycling Facility*		-	-	N	-	C	N	N	-
Drop-off Facility		L	L	L	L	L	L	L	L
Green Materials Composting Facility		-	-	N	-	N	N	N	-
Mixed Organic Composting Facility		-	-	C	-	C	N	N	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	C	L	L	L	L	L	C
Large Processing Facility Accepting All Types of Traffic		-	C	N	N	N	N	N	C
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-	N	L	L	L	L	L	N
Small Processing Facility Accepting All Types of Traffic		-	N	N	N	N	N	N	N
Reverse Vending Machines		L	L	L	L	L	L	L	L

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Tire Processing Facility		-	-	C	-	C	C	C	-
Sidewalk Cafes		-	N	N	N	N	-	N	N
Sports Arenas & Stadiums		-	C	-	C	C	-	C	-
Theaters that are outdoor or over 5,000 square feet in size		-	C	-	C	C	-	C	-
Urgent Care Facilities		-	L	-	L	P	-	L	L
Veterinary Clinics & Animal Hospitals		-	C	C	C	P	C	C	C
Zoological Parks		-	-	-	-	-	-	-	-
Offices									
Business & Professional		-	P	-	P	P	-	-	P
Government		-	P	-	P	P	-	P	P
Medical, Dental, & Health Practitioner		-	-	-	P	P	-	-	P
Regional & Corporate Headquarters		P(1)	P	P(1)	P	P	-	P(14)	P
Separately Regulated Office Uses									
Real Estate Sales Offices & Model Homes		-	-	-	-	-	-	-	-
Sex Offender Treatment & Counseling		-	L	-	L	L	-	-	L
Vehicle & Vehicular Equipment Sales & Service									
Commercial Vehicle Repair & Maintenance		-	-	P	P	P	P	P	P
Commercial Vehicle Sales & Rentals		-	-	P	P	P	P	P	P
Personal Vehicle Repair & Maintenance		-	-	P	P	P	-	-	P
Personal Vehicle Sales & Rentals		-	-	P	P	P	-	P	P
Vehicle Equipment & Supplies Sales & Rentals		-	-	P	-	P	P	P	P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses									
Automobile Service Stations		C	C	C	C	C	C	C	C
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a *primary use*		-	-	P	P	P	P	P	P
Wholesale, Distribution, Storage									
Equipment & Materials Storage Yards		-	-	P	P	P	P	P	P
Moving & Storage Facilities		-	-	P	P	P	P	P	P
Warehouses		-	-	P	P	P	P	P	P
Wholesale Distribution		-	P	P	P	P	P	P	P
Separately Regulated Wholesale, Distribution, and Storage Uses									
Impound Storage Yards		-	-	P	P	P	P	P	P
Junk Yards		-	-	C	C	C	C	C	C
Temporary Construction Storage Yards Located off-site		L	L	L	L	L	L	L	L

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone designator	Zones							
	1st & 2nd >>	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Industrial									
Heavy Manufacturing		-	-	-	-	-	P	P	-
Light Manufacturing		P(10)	P	P	P	P	P	P	P
Marine Industry		-	-	P	P	P	P	P	P
Research & Development		P	P	P	P	P	P	P	P
Trucking & Transportation Terminals		-	-	P	-	P	P	P	P
Separately Regulated Industrial Uses									
Hazardous Waste Research Facility		C	C	C	C	C	C	C	C
Hazardous Waste Treatment Facility		C	C	C	C	C	C	C	C
Marine Related Uses Within the Coastal Overlay Zone		-	-	P	P	P	P	P	P
Mining and Extractive Industries		-	C	C	C	C	C	C	C
Newspaper Publishing Plants		C	P	P	P	P	P	P	P
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	P	P	P	P	P	P
Very Heavy Industrial Uses		-	-	-	-	-	C	C	-
Wrecking & Dismantling of Motor Vehicles		-	-	C	C	C	P	C	C
Signs									
Allowable *Signs*		P	P	P	P	P	P	P	P
Separately Regulated *Signs* Uses									
Community Identification *Signs*		-	-	-	-	-	-	-	-
Reallocation of *Sign* Area Allowance		N	N	N	N	N	N	N	N
Revolving *Projecting Signs*		N	N	N	N	N	N	N	N
Signs with Automatic Changing Copy		N	N	N	N	N	N	N	N
Theater *Marquees*		-	-	-	N	N	-	-	-

Footnotes for Table 131-06B

1 A regional and corporate headquarters establishment shall have a *gross floor area* of at least 40,000 square feet.

2 Household and office furniture, appliances, and equipment sales establishments shall occupy an area of at least 5,000 square feet in *gross floor area* unless the sales are of items that are manufactured on the same *premises*.

3 See Section 131.0623(g).

4 See Section 131.0623(h)

5 See Section 131.0623(a).

6 See Section 131.0623(f).

7 See Section 131.0623(b).

8 See Section 131.0623(c).

9 See Section 131.0623(d).

10 See Section 131.0623(e).

11 Assembly uses shall occupy at least 5,000 square feet of the *gross floor area*.

12 Recreational facilities shall not exceed 2,500 square feet of *gross floor area* and 2,500 square feet of outdoor recreational use area.

13 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.

14 Only one regional and corporate headquarters establishment is permitted on an individual parcel of land.

15 *Development* of a *large retail establishment* is subject to Section 143.0302.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)
(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)
(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)
(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)

[**Editors Note.** Amendments as adopted by O-19739 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment.]

Article 17: Otay Mesa Development District

("Otay Mesa Development District" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)

Division 3: Zones and Subdistricts

("Zones and Subdistricts" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)

§1517.0301 Permitted Uses

(a) Industrial Subdistrict

No building or improvement or portion thereof shall be erected, constructed, converted, established or enlarged, nor shall any premises be used except for one or more of the following purposes:

(1) All uses permitted in the IH-2-1 zone (Land Development Code Section 131.0622 Use Regulations Table for Industrial Zones).

(2) Research Services.

(A) Scientific research and development activities. Administrative offices shall be permitted in conjunction with the primary use where such office use is accessory and subordinate to the primary use.

(B) Manufacturing, fabrication, and/or production of products requiring advance technology and skills and directly related to research and development activities on the premises.

(C) Manufacturing of biochemical research and diagnostic compounds for scientific research and developmental testing purposes.

(D) Production of experimental products, and the manufacturing of such products as may be necessary to the development of production or operating systems where such systems are to be installed and operated at another location.

(E) Medical, dental, biological and X-ray laboratories.

(3) General Industrial

Establishments engaged in the custom manufacturing, manufacturing, fabricating, assembly, testing, repair, servicing, and processing of a wide range of products. Administrative offices shall be permitted in conjunction with the primary use where such office use is accessory and subordinate to the primary use.

(4) Motor Vehicles and Equipment

(A) Aircraft, automobile and boat repair shops

(B) Aircraft and accessories, sales or rental

(C) Boats and accessories, sales or rental

(D) Farm and construction vehicles, farm equipment, farm and garden supplies, sales or rental

(5) Construction Sales and Service

(A) Equipment and tool rental establishments

(B) Storage yards for building materials storage contractor's plant or storage yard, concrete pipe storage, impound storage yard

(C) Lumber sales

(D) Building and building maintenance materials

(E) Fire-fighting equipment and supplies sales

(F) Swimming pools and supplies sales

(6) Wholesaling, Storage and Distribution

(A) Storage warehouses

(B) Wholesale distribution of:

(i) Drugs, chemicals, and allied products

(ii) Dry goods and apparel

(iii) Groceries and related products

(iv) Electrical goods

(v) Hardware, plumbing, and heating equipment and supplies

(vi) Machinery, equipment and supplies

(vii) Tobacco and tobacco products

(viii) Beer, wine and distilled alcoholic beverages

(ix) Paper, paper products, and kindred supplies

(x) Furniture and home furnishings

(xi) Fuel and ice

(xii) Agricultural products

(xiii) Motor vehicles and automotive equipment

(C) Truck terminals and freight forwarding facilities.

(D) Customs brokerage operations.

(E) Postal services.

(F) Truck and tractor trailer parking facilities.

(7) Business Support Services

(A) These uses shall be limited to 5 percent of the gross ownership area. Projects utilizing business support service uses may be processed by using the Commercial Subdistrict Property Development Regulations contained in Section 1517.0305.

(B) The use of any property for business support service uses requires notice be given by certified mail to the City Manager for the purpose of recording the location and quantities of property to be used for such purposes. Such notice shall be filed with the City Manager prior to the City Manager's approval or denial of the ministerial permit.

(C) Business support service uses shall be the same as Commercial Subdistrict uses except that hotels, motels, and automobile and truck sales and rental agencies shall not be permitted.

(8) Major Utilities and Services

(A) Trade schools instructing in subjects related to a use permitted within the Industrial Subdistrict

(B) Emergency hospitals

(C) Central electric plants

(D) Public utility electric substations

(E) Data processing facilities

(9) Agricultural Uses

Uses permitted in the AR-1-2 or AR-1-1 zones (Land Development Code Section 131.0322 Use Regulations Table for Industrial Zones) except for single dwelling units and churches.

(b) Commercial Subdistricts

No building or improvement or portion thereof shall be erected, constructed, converted, established or enlarged, nor shall any premises be used except for one or more of the following purposes:

(1) Uses identified as business support uses in Section 1517.0301(a)(7) (Business Support Services)

(2) Business and professional office uses

(3) Labor unions and trade associations

(4) Medical, dental, biological and x-ray laboratories

(5) Hotels and motels

(6) Retailing of consumer convenience goods and dispensing of consumer services from the following establishments:

(A) Barber shops

(B) Beauty shops

(C) Drug stores

(D) Recreational facilities

(E) Stationers

(F) Automobile and truck sales and rental agencies

(G) Automobile wash establishments

(H) Financial institutions (including currency exchanges)

(I) Photographic equipment, supplies, and film processing stores

(J) Restaurants and bars, including live entertainment

(K) Tire sale, repair and recapping establishments if entirely within an enclosed building

(L) Custom shops for curtains, draperies, floor covering, upholstery and wearing apparel

(M) Laundries if entirely within an enclosed building

(N) Lithography shops and printing establishments

(7) Within the area bounded on the north by Otay Mesa Road, on the south by Airway Road, on the west by Alisa Court (to Airway Road), all uses described in section 1517.0301(a) are also permitted.

(c) Additional Uses - Commercial and Industrial Subdistricts

Other uses shall be permitted within the Commercial and Industrial Subdistricts as follows:

(1) Accessory uses for any of the foregoing permitted uses including signs. As specified in Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations), for sign regulatory purposes this Otay Mesa Development District shall be deemed to be an industrial zone.

(2) Any other uses which the Planning Commission finds, in accordance with Process Four, to be similar in character to the uses enumerated in the Otay Mesa Development District Ordinance and which are clearly within the intent and purpose of the Otay Mesa Development District. The adopted resolution embodying any such finding shall be filed in the office of the City Clerk.

("Permitted Uses" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)

§1517.0302 Otay International Center Precise Plan Subdistrict

In the Otay International Center Precise Plan Subdistrict identified on Map Drawing No. C-680.2, the property development regulations as set forth within the Otay International Center Precise Plan shall apply, and no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the land uses permitted on the parcel by the Precise Plan.

("Otay International Center Precise Plan Subdistrict" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)

§1517.0303 Canyon and Hillside Subdistrict

(a) The Canyon and Hillside Subdistrict, as identified on Map Drawing No. C-680 shall be applied to properties having slopes with a natural gradient in excess of 25 percent and a minimum elevation differential of 50 feet.

(b) All projects within this Subdistrict shall require an Otay Mesa Development District Permit (Section 1517.0201(a)(2) Administrative Regulations). The regulations contained in Land Development Code Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations) Section 1517.0305 (Property Development Regulations) shall be used in processing the Otay Mesa Development District Permit.

(c) Permitted Uses: Industrial Subdistrict uses may be considered as appropriate uses in conjunction with processing of the Otay Mesa Development District Permit.

("Canyon and Hillside Subdistrict" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)

§1517.0304 Brown Field Flight Activity Subdistrict and Approach Zone

The Brown Field Flight Activity Subdistrict and Approach Zone, as identified on Map Drawing No. C-680.2, shall be applied to properties adjacent to the ends of the runways which aircraft use on either arrivals or departures.

The regulations contained in Section 1517.0305 (Property Development Regulations) and Section 1517.0404 (Special Regulations) shall be used in processing the application.

(a) Permitted Uses - Flight Activity Subdistrict

No building or improvement, or portion thereof, shall be erected, constructed, converted, established or enlarged, nor shall any premises be used except for one or more of the following purposes:

(1) Wholesaling, storage and distribution, however, warehousing or storage of flammables, explosives, and corrosives shall not be permitted.

(2) Agricultural uses permitted in the AR-1-1 or AR-2-1 zones (Land Development Code Section 131.0322) except for single dwelling units and churches.

(b) Permitted Uses - Approach Zones

Permitted uses in the approach zones shall be the same as the permitted uses in the underlying Industrial or Commercial Subdistricts.

(c) Federal Aviation Administration Determination Required

In addition to compliance with Section 1517.0305 (Property Development Regulations) and Section 1517.0306 (Design Standards) all proposed projects within the Brown Field Flight Activity Subdistrict and Approach Zones shall obtain a letter from the Air Traffic Division of the Western Pacific Regional Office of the Federal Aviation Administration stating that the proposed construction has been determined not to be a hazard to air navigation and such determination has become final.

("Brown Field Flight Activity Subdistrict and Approach Zone" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)

§1517.0305 Property Development Regulations

No building or portion thereof shall be erected, constructed, converted, established, altered, enlarged, nor shall any legal lot or premises be used unless the legal lot or premises and building comply with the following regulations and standards:

(a) Front, rear and street side yard setbacks on all Class I roadways as identified on Map Drawing No. C-680.2 shall be 30 feet.

(b) Two adjoining lots which have a common interior side or rear lot line and which are developed concurrently may be developed with zero side yard setbacks on said common lot line, provided that the opposite side yard setback is not less than 30 feet.

(c) All applications for the development of buildings or objects higher than 150 feet above ground level within this district shall be required to obtain Federal Aviation Administration Determination as provided in Section 1517.0304(c).

Table 1517-03A
Lot Requirements

	SUBDISTRICT	
	Industrial	**Commercial Lot**
Area	30,000 sq. ft.	10,000 sq. ft.
Street Frontage	100 ft.[1]	100 ft.
Lot Width	100 ft.	100 ft.
Minimum Yards		
Front Yard Setback	20 ft.	15 ft.
Interior Side Yard - Abutting residential zone	15 ft. 30 ft.	0 ft.
Street Side Yard Setback	20 ft.	15 ft.
Rear Yard Setback - Abutting residential zone	25 ft. 50 ft.	10 ft.
Floor Area Ratio	2.0	2.0

(1) Any lot which fronts on a turnaround or curving street having a radius of curvature of less than 100 feet, the minimum frontage shall be 60 feet.

("Property Development Regulations" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)

§1517.0306 Design Standards

(a) Building Materials and Construction Types

(1) Industrial Subdistrict

Any building using other than concrete tilt-up, precast concrete, concrete block, wood or similar materials as the basic type of construction for 75 percent of the exterior walls shall require an Otay Mesa Development District Permit.

(2) Commercial Subdistrict and Business Support Services Where Processed Ministerially.

Any building using other than concrete tilt-up, precast concrete, concrete block, wood or similar materials as the basic type of construction for 75 percent of the exterior walls shall require an Otay Mesa Development District Permit. Exterior surfaces of wood-frame constructed walls shall be wood or stucco.

(b) Wall Surface Treatment

(1) Buildings with any single exterior wall surface area exceeding 5,000 square feet shall provide architectural reveals to break up the surfaces of individualized wall panels. Architectural reveals shall have a minimum depth of 0.75-inch and be applied to an area greater than one percent of the exterior surface area of all building walls. Building wall reliefs, appliques, and building plane variations may be substituted in place of architectural reveals at the discretion of the City Manager. Where such substitutions are provided they shall meet the same minimal dimensional requirements as architectural reveals above.

(2) Buildings with any single exterior wall surface area exceeding 20,000 square feet, in addition to architectural reveals as required by Section 1517.0306(b)(1), shall contain variations in the exterior wall surface texture of all walls. Variations in texture may include molded patterns, painted, or sandblasted surfaces and shall be applied to the upper portion of all exterior walls. Variations in texture shall be applied so that at least 10 percent but not more than 40 percent of any applicable exterior wall surface is treated.

(c) Roofs

No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are fully screened by:

(A) The extension of the building side walls to a height no less than the highest piece of equipment or appurtenances; or

(B) A structure whose walls or sides may include grillwork, louvers, and/or latticework.

("Design Standards" added 3-27-2007 by O-19594 N.S.; effective 4-26-2007.)